

## CHAPTER 44

### **FIRE PREVENTION AND HAZARDOUS MATERIALS CONTROL**

#### **ARTICLE I. FIRE PREVENTION AND CONTROL**

**1. CODE ADOPTED.** The same having been duly placed and remained on file as required, and subject to the additions, modifications, changes and deletions set out herein, the 2009 International Fire Code and Appendices (b) through (g) and (i), expressly excluding Appendices (a), (h), and (j) ("Code") is hereby adopted by reference.

**2. WORDS AND PHRASES.** The Code adopted hereby may be cited and known as the Fire Prevention Code and is so referred to herein. Whenever in said Code the words, "name of jurisdiction" appear in brackets, said Code is modified by removal of said brackets and substitution of the words "the City of Decatur, Illinois" in lieu of the words contained therein, and said Code shall be taken and construed as if such were expressly so set out therein. Whenever in said Code reference is made to the board of appeals such shall be taken to mean and shall be construed to refer to the Construction and Housing Board of Appeals of the City. Whenever in this Chapter reference is made to "flammable" or "combustible", said words shall be defined as in the rules and regulations duly promulgated by the Office of the State Fire Marshal.

**3. DELETIONS FROM CODE.** The following numbered articles or sections of said Code are deleted there from and the provisions thereof are not adopted:

Section Nos. (inclusive)

S104.2	S108.1	S108.3
S109.3.1	S307.1	S307.1.1
S307.2	S307.2.1	S307.4
S501.2	S601.2	S901.3
S1006.3 (item 1*)	S1006.3 (items 2-5, inc.**)	S1008.1.9.3 (item 2***)
S1008.1.9.10 (item 3****)	S1011.1 (exception 1)	5/2012

S1014.2.1 (exception)	S1101.3	S1201.2
S1301.2	S1404.3	S1501.3
S1601.2	S1701.2	S1801.5
S1901.2	S2001.2	S2101.2
S2301.2	S2403.4	S2501.2
S2601.2	S2801.2	S2901.3
S3001.2	S3101.2	S3201.2
S3301.2	S3401.4	S3501.2
S3601.2	S3701.2	S3801.2
S3901.2	S4001.2	S4101.2
S4201.2	S4301.2	S4401.2

906.1 (exception\*\*\*\*\*)

#### Appendix A

Section S-105 all inclusive (except 105.5, 105.6.16, 105.7.1, 105.7.3, 105.7.4, 105.7.9, 105.7.11 and 105.7.12.

\*S1006.3, item, 1: by deleting the phrase "...in rooms and spaces that require two or more means of egress."

\*\*S1006.3, items 2-5, inc.: by deleting the last phrase "...in buildings required to have two or more exits."

\*\*\*S1008.1.9.3: item 2, including 2.1, 2.2, and 2.3.

\*\*\*\*S1008.1.9.10: Exception 3 is modified to delete the wording allowing the unlocking of the stairway doors by a signal from emergency personnel.

\*\*\*\*\*906.1: Exception

**4. AMENDMENTS TO CODE.** The following numbered sections of said Code are hereby modified and amended as herein indicated:

That Appendices (b) through (g) shall be adopted as ~~2006~~2009 International Fire Code, expressly excluding Appendix (a), deleted in Section 3 above.

S609. Commercial Kitchen Hoods. All commercial kitchen exhaust hood extinguishing systems and associated portable fire extinguishers in place to protect commercial cooking appliances shall be UL 300 compliant on or before January 1, 2009. For the purposes of this Code, commercial cooking appliances may be defined as those appliances used to prepare foods sold for money or to raise money, or as regular part or service in commercial enterprise. The

determination of use for commercial purposes shall be determined by the authority having jurisdiction.

S507.5.1 substitute "...300 feet" for "...400 feet".

S507.5.1 exceptions 1 and 2 substitute "...500 feet" for "...600 feet".

903.4.2 substitute "...exterior of the building" for "...interior and exterior of the building".

907.5 substitute "...initiation is required" for "...initiation is installed".

907.5.2 substitute "...fire alarm system is required" for "...fire alarm system is installed".

Appendix B: B105.2 exception substitute "...50 percent" for "...75 percent".

Chapter 67 - Carbon Monoxide detectors shall be installed in accordance with Illinois Public Act #094-0741.

Table 508.2.5 Incidental Use Areas: "Storage rooms greater than 100 sq. ft. shall be separated from other spaces by one hour fire barriers or have automatic fire suppression system".

Section 8. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or Alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). The code enforcement official may require additional numbers as needed. (Reference: 2009 International Fire Code Section 505.1 Premises Identification).

Section 912.2.1 of the 2009 International Fire Code shall be amended, so that as so amended, the Fire Department Connection Visible Location, will provide as follows: The location of any Fire Department connection shall be indicated with a strobe located approximately ten feet above grade and within ten feet of the vertical axis of the Fire Department Connection.

5. **FIREWORKS.** The manufacture, storage, display, possession, and discharge of fireworks shall be subject to the provisions of this section, in addition to those provisions relevant thereto set out in Chapter 33 of the Code.

(a) No person, firm or corporation shall manufacture, store, display, possess or discharge fireworks without a permit therefore issued by the City.

(b) Fireworks shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, firecrackers, torpedoes, skyrockets, Roman candles, dago bombs, chasers and devices of like construction and any device containing any explosive substance, except the term "fireworks" shall not include auto flares, wire sparklers, snakes, glow worms, trick noisemakers and paper caps containing not in excess of .25 grain (16.2 mg.) of explosive content per cap and toy pistols, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times.

(c). Revocation: Any permit issued hereunder may be revoked or suspended by the City Manager upon two (2) days notice in writing to the person issued the permit of the opportunity to be heard, for any violation by the permittee of the provisions of the Fire Prevention Code or the regulations duly adopted thereunder, and such suspension or revocation may be in addition to any fine imposed. For any third or subsequent violation of Chapter 44 occurring within twelve (12) months of the date of the first violation, the person issued the permit shall be revoked, and the person issued the permit shall be ineligible to receive a permit for the display or discharge of fireworks for a period of twelve (12) months.

(d). Liability of Certain Persons: No licensee, owner, permit holder, possessor, manager, or other person in control or in charge of any place or premises holding a permit issued hereunder shall permit the violation of any provision of statute or the City Code. It shall not be a defense to a prosecution brought hereunder that the defendant did not have actual knowledge of the violation.

(e). Display permit approvals: Approval for display permit shall be made in writing at least 15 days in advance of the date of the display or discharge of fireworks.

(f). Fireworks permit fees: Fireworks permit applications shall be accompanied by a non-refundable fee of Twenty-Five Dollars (\$25.00), for a permit to display fireworks (for an approved display).

**6. CODE OFFICIAL.** The Chief of the Fire Department is hereby designated the code official and reference to such official herein or in said Code, shall be the same as if said officer was expressly referred to. Whenever reference is made in said Code to the Department of Building Inspections or similar reference, such shall be taken to mean and shall be construed to refer to the Inspections Division of the Planning and Services Department.

**7. PERMIT APPLICATION FEE.** Whenever by the provisions of Code or ordinance a permit is required to be obtained from the code official, application for the same shall be made at the office of the Financial Management Department upon forms there furnished containing such information as may reasonably be required by the code official.

## **ARTICLE II. BASIC FIRE CONTROL MEASURES AND REGULATIONS**

**1. AUTHORITY AT FIRES AND OTHER EMERGENCIES.** The code official or duly authorized representatives, as may be in charge at the scene of a fire or other emergency involving the protection of life and property, is empowered to direct such operations as may be

necessary to extinguish or control any suspected or reported fires, gas leaks or other hazardous conditions or situations or to take any other action necessary in the reasonable performance of their duty. The code official may prohibit any person, vehicle or object from approaching the scene and may remove or cause to be removed from the scene any person, vehicle or object that may impede or interfere with the operations of the fire department. The code official may remove or cause to be removed any person, vehicle or object from hazardous areas. All persons ordered to leave a hazardous area shall do so immediately and shall not re-enter the area until authorized to do so by the code official.

**2. INTERFERENCE WITH FIRE DEPARTMENT OPERATIONS.** It shall be unlawful to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of or block the path of travel of any fire department emergency vehicle in any way, or to interfere with, attempt to interfere with, conspire to interfere with, obstruct or hamper any fire department operation.

**3. COMPLIANCE WITH ORDERS.** A person shall not willfully fail or refuse to comply with any lawful order or direction of the code official or to interfere with the compliance attempts of another individual.

**4. VEHICLES CROSSING FIRE HOSE.** A vehicle shall not be driven or propelled over any unprotected fire hose of the fire department when laid down on any street, alleyway, private drive or any other vehicle roadway without the consent of the code official in command of said operation.

**5. DEFINITION OF AUTHORIZED EMERGENCY VEHICLE.** Authorized emergency vehicles shall be restricted to those that are defined and authorized under the laws of the State of Illinois.

**6. OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES.** Upon the approach of any authorized emergency vehicle, giving

audible or visual signal, the operator of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge or curb of the street or roadway, clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle or vehicles have passed, unless otherwise directed by the code official or a police officer.

**7. VEHICLES FOLLOWING FIRE APPARATUS.** It shall be unlawful for the operator of any vehicle, other than one on official business, to follow closer than 300 feet from any fire apparatus or other authorized vehicle traveling in response to a fire alarm or to drive any vehicle within the block or immediate area where fire apparatus has stopped in answer to a fire alarm.

**8. UNLAWFUL BOARDING OR TAMPERING WITH FIRE DEPARTMENT EMERGENCY EQUIPMENT.** A person shall not, without proper authorization from the code official in charge of said fire department emergency equipment, remove equipment or cling to, attach oneself to, climb upon or into, board or swing upon any fire department emergency vehicle, whether the same is in motion or at rest; or sound the siren, horn, bell or other sound-producing device thereon; or manipulate or tamper with, or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps or any equipment or protective clothing on, or a part of, any fire department emergency vehicle.

**9. DAMAGE, INJURY - FIRE DEPARTMENT EQUIPMENT, PERSONNEL.** It shall be unlawful for any person to damage or deface, or attempt or conspire to damage or deface, any fire department emergency vehicle at any time or to injure, or attempt or conspire to injure, fire department personnel while performing departmental duties.

**10. EMERGENCY VEHICLE OPERATION.** The driver of any emergency vehicle, as defined in Section 6 of this ordinance, shall not sound the siren thereon or have the front red lights on or disobey any existing traffic regulation, except when said vehicle is responding to an emergency call or when responding to, but not upon returning from, a fire. Tactical strategies

such as, but not restricted to, “move-ups” do not constitute an emergency call. The driver of an emergency vehicle may:

- (a) Park or stand irrespective of the provisions of existing traffic regulations;
- (b) Proceed past a red or stop signal or other sign, but only after slowing down as may be necessary for safe operation;
- (c) Exceed the prima facie speed limit so long as the action does not endanger life or property;
- (d) Disregard regulations governing direction of movement or turning in specified directions; or
- (e) The exemptions herein granted to an emergency vehicle shall apply only when the driver of any such vehicle in motion sounds an audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle.

## **11. BLOCKING FIRE HYDRANTS AND FIRE DEPARTMENT**

**CONNECTIONS.** It shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any fire department connection for the pressurization of fire suppression systems, including fire hydrants and fire department connections located on public or private streets and access lanes or on private property. If, upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments are not removed, the code official shall proceed to remove the same. Cost incurred in the performance of necessary work shall be paid from the municipal treasury on certificate of the code official and with the approval of the chief administrative official; and the legal authority of the municipality shall institute appropriate action for the recovery of such costs.



**12. HYDRANT USE APPROVAL.** A person shall not use or operate any fire hydrant intended for use of the fire department for fire suppression purposes, unless such person first secures a permit for such use from the code official and the water company having jurisdiction. This section shall not apply to the use of such hydrants by a person employed by, and authorized to make such use by, the water company having jurisdiction.

**13. PUBLIC WATER SUPPLY.** The code official shall recommend to the chief administrative official of the municipality the location or relocation of new or existing fire hydrants and the placement or replacement of inadequate water mains located upon public property and deemed necessary to provide an adequate fire flow and distribution pattern. A fire hydrant shall not be placed into or removed from service until inspected and approved by the code official.

New water mains in the City of Decatur water distribution system shall be a minimum of (8) inches in diameter or sized to deliver the required quantity of water at adequate pressure including fire flow where applicable.

**14. YARD SYSTEMS.** All new and existing ship yards, oil storage plants, lumber yards, amusement or exhibition parks, and educational or institutional complexes and similar occupancies and uses involving high fire or life hazards, and that are located more than one hundred fifty (150) feet from a public street or that require quantities of water beyond the capabilities of the public water distribution system, shall be provided with properly placed fire hydrants. Such fire hydrants shall be capable of supplying fire flows as required by the code official and shall be connected to a water system in accordance with accepted engineering practices. The code official shall designate and approve the number, color coding, painting, and location of fire hydrants. The code official may require the installation of sufficient fire hose and equipment housed in accordance with the approved rules and may require the

establishment of a trained fire brigade when the hazard involved requires such measures. Private hydrants shall not be placed into or removed from service until inspected and approved by the code official.

**15. MAINTENANCE OF FIRE SUPPRESSION EQUIPMENT.** A person shall not obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of the Fire Prevention Code, except for the purposes of extinguishing a fire, training or testing, recharging or making necessary repairs or when permitted by the code official. Whenever a fire appliance is removed as herein permitted, it shall be replaced or re-installed as soon as the purpose for which it was removed has been accomplished. Defective and non-approved fire appliances or equipment shall be replaced or repaired as directed by the code official.

**16. SALE OF DEFECTIVE FIRE EXTINGUISHERS.** A person shall not sell, trade, loan or give away any form, type or kind of fire extinguisher that is not approved by the code official, or that is not in proper working order, or the contents of which do not meet the requirements of the code official. The requirements of this section shall not apply to the sale, trade or exchange of obsolete or damaged equipment for junk when said units are permanently disfigured or marked with a permanent sign identifying the unit as junk.

**17. STREET OBSTRUCTIONS.** A person or persons shall not erect, construct, place or maintain any bumps, fences, gates, chains, bars, pipes, wood or metal horses or any other type of obstruction in or on any street, within the boundaries of the municipality. The word street, as used in the ordinance, shall mean any roadway accessible to the public for vehicular traffic, including, but not limited to, private streets or access lanes, as well as all public streets and highways within the boundaries of the municipality unless approved by the authority having jurisdiction.

## **18. SMOKING ON BUSES.**

A. The smoking of a pipe, cigar, cigarette or tobacco or other substance on any motor coach or bus of the City is prohibited.

B. The carrying or possession of any ignited, flaming, smoking or smoldering substance on any motor coach or bus of the City while such vehicle is in service, whether parked or moving, is prohibited.

19. **SHREDDED BARK.** No person, firm or corporation shall place, or caused to be placed, shredded bark within two (2) feet of any commercial building, or exterior wall thereof, if constructed with combustible materials.

20. **EMERGENCY LIGHTS:** Emergency lights shall be required for all new construction of public buildings as well as permit required renovations in all common use restrooms, dressing rooms, and locker rooms.

21. **RULES AND REGULATIONS.** The fire official may promulgate, publish and enforce reasonable rules and regulations to provide for procedures and practices and to otherwise implement the provisions, and to carry out the intent and purposes hereof.

## **ARTICLE III. CONTROL OF HAZARDOUS MATERIALS AND ENVIRONMENTALLY DAMAGING SUBSTANCES**

### **1. DEFINITIONS PERTAINING TO HAZARDOUS MATERIALS:**

The following terms as used in this Article shall have the meanings respectively ascribed to them herein, unless the context otherwise requires.

(a) Clean-up. Clean-up includes all the activities necessary to contain, collect, analyze, treat and disperse, remove and dispose of hazardous materials and/or environmentally damaging substances, and to restore the site to pre-incident condition.

(b) Clean-up Contractor. A person, company or corporation that performs clean-up activities at hazardous materials release sites.

(c) Cost defined . All expenses incurred by the City for any fire fighting, medical treatment, remedial, removal, or clean-up activities involving a hazardous materials or environmentally damaging substances release, threatened release or fire. Costs include but are not limited to contractual services, wages, salaries, damaged or destroyed equipment, spill control supplies, protective clothing, fire fighting or vapor suppressing foam, medical care and medical supplies. Costs include expenses incurred by the City for the supervision and verification of remedial and clean-up activities. Costs shall not include the expense of actual fire suppression services and emergency medical service which are normally or usually provided to the public by the Fire Department, except as those costs directly relate to hazardous materials or environmentally damaging substances, such as remedial activities by the Fire Department Hazardous Material Response Team and fire fighting foam operations at petroleum, alcohol, organic oils, flammable or combustible liquid spills.

(d) Environmentally damaging substances. Any substance spilled or released into the environment in sufficient quantity so as to cause actual or potential human health problems if not dealt with by remedial action, or to contaminate air, land or water.

(e) Facility. Any building, structure, installation, equipment, pipe or pipeline including but not limited to any pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock or air craft or any site where hazardous materials or environmentally damaging substances have been deposited, stored, disposed of, placed or otherwise came to be located.

(f) Hazardous Materials. Substances or materials in quantity and forms that may pose an unreasonable risk to health, safety or property when stored, transported or used in commerce. Such materials include but are not limited to: explosives, blasting agents, poisons, flammable and combustible liquids, flammable and non-flammable gases, corrosives, oxidizers, organic peroxides, flammable solids, radioactive materials, etiological agents. Hazardous Materials also includes hazardous substances and hazardous wastes.

(g) Hazardous Substances. Any substance designated under the Clean Water Act and Comprehensive Environmental Response, Compensation, Liability Act (CERCLA) (42 USC Sec. 9601 et. seq.), as now or hereafter amended, as posing a threat to the waterways and the environment when released.

(h) Hazardous Waste. Discarded material under Resource Conservation and Recovery Act (RCRA) (42 USC Sec. 6901 et. seq.) regulated by the United States Environmental Protection Agency because of public health and safety concerns.

(i) Incident defined. A fire, a release or threatened release of hazardous materials or environmentally damaging substances.

(j) Person. Any individual, business, firm, partnership, corporation, association, trust, estate, joint venture or other legal entity, or their legal representative or agent.

(k) Placarded Vehicle. A vehicle, that when transporting hazardous materials, is required by the United States Department of Transportation to be marked with placards to warn emergency responders of the hazardous cargo, pursuant to the Hazardous Materials Transportation Act, 49 USC Sec. 1801 et. seq.

(l) Release . Any spilling, leaking, pumping, pouring, emitting, escaping, emptying, discharging, injecting, leaching, dumping, disposing, exploding or burning of hazardous materials or environmentally damaging substances into or on any land, air, water, well, stream, sewer, or pipe such that hazardous materials or any constituent or environmentally damaging substances thereof, that may enter the environment.

(m) Remedial Action. Any action consistent with a permanent remedy of a release or threatened release of hazardous materials or environmentally damaging substances into the environment. The term includes, but is not limited to actions at the location of a release such as diking, damming, trenching, covering, diverting, foaming, neutralizing, isolating, burning, closing, plugging, moving, repairing, transferring, recycling, etc. The actions required may also include the evacuation, sheltering or feeding of people provision of alternative water supplies and other activities to protect the public's health and welfare and the environment.

(n) Responsible Party or Parties. The Responsible party includes the following:

(1) The owner and operator of a facility or vessel from which there is a fire or release or threatened release of hazardous materials or environmentally damaging substances;

(2) Any person who at the time of disposal, transport, storage, or treatment of hazardous materials or environmentally damaging substances owned or operated the facility or vehicle used for such disposal, transport, treatment or from which there was a fire, release or threatened release of such hazardous materials or environmentally damaging substances;

(3) Any person who by contract, agreement or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous materials or environmentally damaging substances owned, controlled or possessed by such person at a

facility owned and operated by another party or entity from which there is fire, release or threatened release of hazardous materials or environmentally damaging substances;

(4) Any person who accepts or accepted any hazardous materials or environmentally damaging substances for transport to disposal, storage or sites from which there is a fire, release or threatened release of hazardous materials or environmentally damaging substances;

(5) In the case of an abandoned facility or vehicle any person owning or operating the abandoned facility or any person who owned or operated or otherwise controlled activities at the abandoned facility immediately prior to abandonment;

(6) In the case of a land trust owning or operating a facility or vehicle the person owning the beneficial interest in the land trust.

## **2. UNLAWFUL RELEASES PROHIBITED.**

No person shall cause threaten, or allow the release of hazardous materials or environmentally damaging substances, unless such release is in accordance with an appropriate permit granted by the Illinois Environmental Protection Agency or other State or Federal agency having primary authority over the release and such release is in such a place and manner as will not create a substantial present or potential hazard to human health, property, or the environment. Any prohibited release is hereby declared a public nuisance.

**3. RESPONSE AUTHORITY.** The Fire Department shall have the authority to respond to and control all activities at any fire, release or threatened release involving hazardous materials or environmentally damaging substances and perform such remedial or fire fighting activities as are deemed necessary to control any incident within the City, or in areas that threaten the City or the water supply of the City.

## **4. LIABILITY FOR COSTS.**

Each responsible party or parties shall be liable to the City for all costs incurred by the City resulting from a fire, release or threatened release involving hazardous materials or environmentally damaging substances, except that the City shall not recover more than the actual costs incurred. This section shall not limit citation or prosecution under Article IV of this Chapter.

#### **5. PAYMENT FOR INCURRED COSTS.**

Each responsible party shall remit payment to the City Director of Financial Management Department within thirty (30) days upon written notification of cost by the Director of Financial Management.

#### **6. NOTIFICATION OF HAZARDOUS MATERIALS REQUIRED.**

Any person using, producing, researching and/or storing hazardous materials shall notify the Fire Department. The notification shall include an accurate site safety plan, a list of all hazardous materials including quantities, container types and sizes and a material safety data sheet on each hazardous material at the facility. A notebook containing all the above information shall also be kept at the facility, to be used by facility personnel and responding Fire Department personnel. The note book shall be placed in a prominent location, so that it can be easily located during an emergency response or inspection.

#### **7. WARNING PLACARDS ON HAZARDOUS MATERIALS FACILITIES.**

Any person using, researching, producing or storing hazardous materials shall place warning placards inside and on the outside of the structure in a prominent location. The content of the placard shall be determined by the Fire Department utilizing the National Fire Protection Association Standard 704M Hazardous Materials Placard System to determine the warning numbers on the placard. The placard for the outside of the facility shall be thirty (30) inches

square, constructed of a weather resistant material, mounted square on point in a location approved by the Fire Department. Smaller placards may be required by the Fire Department inside the facility to mark special hazards. Placards shall not be removed or moved without the permission of the Fire Department. Permission shall be requested from the Fire Department to remove placards from any facility that no longer contains hazardous materials.

**7. HAZARDOUS USE OF COMBUSTIBLES.** No person, firm, corporation or other entity shall keep, store, transport, transfer, sell, deliver or use within the corporate limits of the City of Decatur, any petroleum product, gasoline, volatile oils, or other volatile combustibles or compounds in such a manner or under such circumstances as to jeopardize life or property, or in violation of any provisions of City Code, Fire Prevention Code or State of Illinois Rules and Regulations for Flammable or Combustible Liquids.

**8. TANK VEHICLES.** The driver or operator or attendant of any tank vehicle, whenever transferring flammable or combustible liquids to or from such vehicle, shall remain outside the same and in constant attendance thereat at all times during such operation. No person shall carry or possess any ignited, smoking, smoldering or flammable substance in the vicinity of



such operation or expose the same to open flame, during the course thereof. Tanks of delivering vehicles and of storage tanks or marketing or servicing stations shall be so equipped as to permit the same to be connected in such a manner as to prevent the escape of liquid other than into the tanks being filled. No delivery or transfer of Class I or II flammable liquid into the tanks of marketing or service stations shall be made except through such a connection as required hereby. During the making and breaking of connections, the motors of delivering vehicles shall be shut down.

**10. COMBUSTIBLE LIQUIDS.** Combustible liquids may be stored in, and dispensed from, aboveground storage tanks, but only in compliance with rules and regulations duly promulgated by the Office of the State Fire Marshal; provided that, not more than 2,500 gallons of combustible liquid may be stored at any one time in any one tank or vessel, anything in said rules and regulations to the contrary notwithstanding. This section does not apply to an approved bulk, processing or industrial plant or refinery which is in compliance with NFPA 30.

**11. FLAMMABLE LIQUIDS.** The dispensing of flammable liquids from above ground storage containers shall be limited to no more than 500 U.S. Gallons shall receive approval by the local code official and the Office of the State Fire Marshal. This section does not apply to an approved bulk, processing or industrial plant or refinery which is in compliance with NFPA 30.

#### **ARTICLE IV. REGULATIONS, CITATIONS AND PENALTIES**

**1. RULES AND REGULATIONS.** The code official may promulgate, publish and enforce reasonable rules and regulations to provide for procedures and practices and to otherwise implement the provisions, and to carry out the intent and purposes of this Chapter.

**2. VIOLATIONS NOTICE AND COMPLAINT.** Whenever a fire officer witnesses or has knowledge based on reasonable grounds of a violation by any person of any section of this Chapter, or of Section 12 of Chapter 48 of this Code, such person may be issued a Violation Notice and Complaint by the Fire officer as set forth in Chapter 29 of this Code.

**3. PAYMENT OF VIOLATION NOTICE AND COMPLAINT**

A person cited by a fire officer for a violation of any section of this Chapter, or Section 12 of Chapter 48, as herein provided, may terminate any further proceedings by the City due to said violation by making payment to the City at the Office of the City Treasurer. Payment is considered as being made only when the City Treasurer is in receipt of the full amount.

(a) If a person is given a citation for a violation as herein provided, no complaint may be filed by an attorney on behalf of the City in any court having jurisdiction thereof seeking to prosecute and fine such person for said violation sooner than ten (10) days after such citation is issued, and no complaint may be filed if the citation is timely paid.

(b) The City Treasurer may accept payment of a citation issued hereunder after the ten day period provided for herein, and upon such acceptance no prosecution for the cited violation may be filed or pursued by the City.

**4. PENALTY.** Any person, firm or corporation or other entity that violates any provision hereof, or any provision contained in the Code adopted by reference hereby shall be fined not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each offense and each day a violation occurs or continues shall be considered a separate offense.